IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5213 OF 2003

...

Prasad Nivrutti Sali ...Petitioner

v/s.

Sandhya Prasad Sali

and ors. ...Respondents

...

Mr.S.S. Patwardhan for the Petitioner.

Mr.V.B.Konde-Deshmukh APP for State.

Mr.N.J. Patil for Respondent No.1.

...

**CORAM: A.M.KHANWILKAR,J.**

**DATED:** 4TH APRIL,2005

**P.C.:**

1. It is reported that settlement is not possible and the Petitioner is unwilling to make reference to mediator for settlement. Accordingly, matter was heard on merits.

2. The only contention raised before this court is that, the two courts below have failed to appreciate the evidence in proper perspective which would indicate that the Petitioner was always ready and willing to maintain his wife, but the Respondent No.1/wife removed herself away from the matrimonial house and was unwilling to join the Petitioner.

3. This aspect has been considered by the courts below and have recorded a finding of fact that it has been proved that the Petitioner has failed and neglected to maintain his wife. This being a finding of fact, it is not open for this Court to reappreciate the evidence on record and to take different view merely because another view was possible, in exercise of writ jurisdiction. Petition

is, therefore, dismissed.